

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMES XUEYUAN ZHU and
ANGELA S. CHIOU,

Plaintiffs,

v.

UBS FINANCIAL SERVICES and,
UBS SECURITIES LLC,

Defendants.

§
§
§
§
§
§
§
§

Civil Action No. 3:22-CV-00239-L-BH

Referred to U.S. Magistrate Judge¹

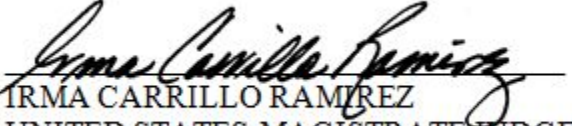
RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the plaintiffs' *Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)*, received on November 30, 2022 (doc. 26), which is liberally construed as a request for leave to proceed *in forma pauperis* on appeal.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on September 28, 2022 (doc. 20). The request also should be denied because the plaintiffs have not established that they are paupers. A review of the plaintiffs' *in forma pauperis* application shows that they have a combined total of \$12,000 in their checking accounts and a combined total of over \$1 million in their investment accounts, which sums reflect sufficient funds to pay the applicable filing fees on appeal.

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiffs may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 1st day of December, 2022.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.